APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,843	04/08/2005	Susanne Leonhartsberger	LEONHARTSBERGER	3626

25889   7590   11/08/2007

WILLIAM COLLARD
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

EXAMINER
SAIDHA, TEKCHAND

ART UNIT	PAPER NUMBER
1652	

MAIL DATE	DELIVERY MODE
11/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	10/530,843	LEONHARTSBERGER ET AL.
	Examiner	Art Unit	
	Tekchand Saidha	1652	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>28 September 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

        Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☒ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1-8*.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☒ Other: _____. Copy of 'Error Report' of the sequence listing is provided here.

Advisory Office Action

1.   Applicants' amendment after-final filed 9/28/2007 and sequence listing filed June 19, 2007, is acknowledged.

2.   Claims 1-8 are present in this application.

3.   The proposed amendment filed after a final rejection, but prior to the date of filing a brief, will not be entered because they raise new issues that would require further consideration and/or search.

4.   Applicants' submission of the sequence listing filed June 19, 2007, was found to be defective and was therefore not entered into the database. All prior rejections made as per 'Final Rejection', are therefore maintained for reasons of record.

5.   Applicants' Attorney, Elizabeth C. Richter, was informed regarding these issues during a telephone interview on 11/6/2007. Filing an RCE will allow the Examiner to search for the newly added sequence of SEQ ID NO: 2 in claim 1.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tekchand Saidha whose telephone number is (571) 272 0940. The examiner can normally be reached on 8.30 am - 5.00 pm.
      If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on (571) 272 0928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
      Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tekchand Saidha (Primary Examiner)
Art Unit 1652
Recombinant Enzymes, 02A65 Remsen Bld.
400 Dulany Street, Alexandria, VA 22314
Telephone: (571) 272-0940
November 6, 2007

```
==============================================================
```
Sequence Listing could not be accepted due to errors.
See attached Validation Report.
If you need help call the Patent Electronic Business Center at (866)
217-9197 (toll free).
Reviewer: Anne Corrigan
Timestamp: Tue Jun 19 17:34:09 EDT 2007
```
==============================================================
```

```
**************************************************************
```
Reviewer Comments:
<150>
<151>

Please remove the above numeric identifiers, since no prior application
information is given.

<210> 3

  <211> 30

  <212> DNA

  <213> Artificial Sequence

          <220>

  <223> Description of Artificial Sequence:

      Oligonucleotide   metAfw

Please move the "metAfw" over to the left, one space away from
"Oligonucleotide."

  <210> 6

  <211> 42   n=1:1:1:1 mixture of A,T,C and G.

  <212> DNA

<213> Artificial Sequence

<220>

<223> Description of Artificial Sequence: Oligonucleotide

GAPDHrevII

<400> 6

gaccttaatt aagatctcat atgttccacc agctatttgt ta   42

The <211> response shows invalid information: do not show explanatory
information on the <211> line; it belongs in the <220>-<223> section.
Also, no "n's" appear in the sequence. Same type of error in Sequences
10 and 12: no "n's" in those sequences, although an explanation
appears.

<210> 9

<211> 25

<212> DNA

<213> Artificial Sequence

<220>

<223> Description of Artificial Sequence: Oligonucleotide

metAmutfw1

<400> 9

nnncagatca cgccatacga tctac   25

The "n's" in the above sequence are not explained. Please explain them
in the <220>-<223> section. Same type of error in Sequence 11.

****

Application No: 10530843   Version No: 1.0

Input Set:

Output Set:

Started:	2007-06-19 16:47:51.252
Finished:	2007-06-19 16:47:52.739
Elapsed:	0 hr(s) 0 min(s) 1 sec(s) 487 ms
Total Warnings:	10
Total Errors:	10
No. of SeqIDs Defined:	12
Actual SeqID Count:	12

Error code		Error Description
E	201	Mandatory field data missing in <140>
E	201	Mandatory field data missing in <141>
W	213	Artificial or Unknown found in <213> in SEQ ID (3)
W	213	Artificial or Unknown found in <213> in SEQ ID (4)
W	213	Artificial or Unknown found in <213> in SEQ ID (5)
E	202	Invalid input format; Value must be an integer in <211> in SEQ ID
W	213	Artificial or Unknown found in <213> in SEQ ID (6)
E	253	The number of bases differs from <211> Input: 0 Calculated:42
W	213	Artificial or Unknown found in <213> in SEQ ID (7)
W	213	Artificial or Unknown found in <213> in SEQ ID (8)
W	213	Artificial or Unknown found in <213> in SEQ ID (9)
E	342	'n' position not defined found at POS: 1 SEQID(9)
E	342	'n' position not defined found at POS: 2 SEQID(9)
E	342	'n' position not defined found at POS: 3 SEQID(9)
W	213	Artificial or Unknown found in <213> in SEQ ID (10)
W	213	Artificial or Unknown found in <213> in SEQ ID (11)
E	342	'n' position not defined found at POS: 1 SEQID(11)
E	342	'n' position not defined found at POS: 2 SEQID(11)
E	342	'n' position not defined found at POS: 3 SEQID(11)
W	213	Artificial or Unknown found in <213> in SEQ ID (12)

<400> 1
atg ccg att cgt gtg ccg gac gag cta ccc gcc gtc aat ttc ttg cgt   48
Met Pro Ile Arg Val Pro Asp Glu Leu Pro Ala Val Asn Phe Leu Arg
 1   5   10   15

gaa gaa aac gtc ttt gtg atg aca act tct cgt gcg tct ggt cag gaa   96
Glu Glu Asn Val Phe Val Met Thr Thr Ser Arg Ala Ser Gly Gln Glu
            20   25   30

att cgt cca ctt aag gtt ctg atc ctt aac ctg atg ccg aag aag att   144
Ile Arg Pro Leu Lys Val Leu Ile Leu Asn Leu Met Pro Lys Lys Ile
        35   40   45

gaa act gaa aat cag ttt ctg cgc ctg ctt tca aac tca cct ttg cag   192
Glu Thr Glu Asn Gln Phe Leu Arg Leu Leu Ser Asn Ser Pro Leu Gln
     50   55   60

gtc gat att cag ctg ttg cgc atc gat tcc cgt gaa tcg cgc aac acg   240
Val Asp Ile Gln Leu Leu Arg Ile Asp Ser Arg Glu Ser Arg Asn Thr
 65   70   75   80

```
ccc gca gag cat ctg aac aac ttc tac tgt aac ttt gaa gat att cag    288
Pro Ala Glu His Leu Asn Asn Phe Tyr Cys Asn Phe Glu Asp Ile Gln
                85                  90                  95


gat cag aac ttt gac ggt ttg att gta act ggt gcg ccg ctg ggc ctg    336
Asp Gln Asn Phe Asp Gly Leu Ile Val Thr Gly Ala Pro Leu Gly Leu
                100                 105                 110


gtg gag ttt aat gat gtc gct tac tgg ccg cag atc aaa cag gtg ctg    384
Val Glu Phe Asn Asp Val Ala Tyr Trp Pro Gln Ile Lys Gln Val Leu
        115                 120                 125


gag tgg tcg aaa gat cac gtc acc tcg acg ctg ttt gtc tgc tgg gcg    432
Glu Trp Ser Lys Asp His Val Thr Ser Thr Leu Phe Val Cys Trp Ala
        130                 135                 140


gta cag gcc gcg ctc aat atc ctc tac ggc att cct aag caa act cgc    480
Val Gln Ala Ala Leu Asn Ile Leu Tyr Gly Ile Pro Lys Gln Thr Arg
145                 150                 155                 160


acc gaa aaa ctc tct ggc gtt tac gag cat cat att ctc cat cct cat    528
Thr Glu Lys Leu Ser Gly Val Tyr Glu His His Ile Leu His Pro His
                165                 170                 175


gcg ctt ctg acg cgt ggc ttt gat gat tca ttc ctg gca ccg cat tcg    576
Ala Leu Leu Thr Arg Gly Phe Asp Asp Ser Phe Leu Ala Pro His Ser
                180                 185                 190


cgc tat gct gac ttt ccg gca gcg ttg att cgt gat tac acc gat ctg    624
Arg Tyr Ala Asp Phe Pro Ala Ala Leu Ile Arg Asp Tyr Thr Asp Leu
        195                 200                 205


gaa att ctg gca gag acg gaa gaa ggg gat gca tat ctg ttt gcc agt    672
Glu Ile Leu Ala Glu Thr Glu Glu Gly Asp Ala Tyr Leu Phe Ala Ser
        210                 215                 220


aaa gat aag cgc att gcc ttt gtg acg ggc cat ccc gaa tat gat gcg    720
Lys Asp Lys Arg Ile Ala Phe Val Thr Gly His Pro Glu Tyr Asp Ala
225                 230                 235                 240


caa acg ctg gcg cag gaa ttt ttc cgc gat gtg gaa gcc gga cta gac    768
Gln Thr Leu Ala Gln Glu Phe Phe Arg Asp Val Glu Ala Gly Leu Asp
                245                 250                 255


ccg gat gta ccg tat aac tat ttc ccg cac aat gat ccg caa aat aca    816
Pro Asp Val Pro Tyr Asn Tyr Phe Pro His Asn Asp Pro Gln Asn Thr
                260                 265                 270


ccg cga gcg agc tgg cgt agt cac ggt aat tta ctg ttt acc aac tgg    864
Pro Arg Ala Ser Trp Arg Ser His Gly Asn Leu Leu Phe Thr Asn Trp
                275                 280                 285


ctc aac tat tac gtc tac cag atc acg cca tac gat cta cgg cac atg    912
Leu Asn Tyr Tyr Val Tyr Gln Ile Thr Pro Tyr Asp Leu Arg His Met
        290                 295                 300


aat cca acg ctg gat taa                                             930
```

Asn Pro Thr Leu Asp
305

<210> 2
<211> 309
<212> PRT
<213> Escherichia coli

<400> 2
Met Pro Ile Arg Val Pro Asp Glu Leu Pro Ala Val Asn Phe Leu Arg
 1   5   10   15

Glu Glu Asn Val Phe Val Met Thr Thr Ser Arg Ala Ser Gly Gln Glu
              20   25   30

Ile Arg Pro Leu Lys Val Leu Ile Leu Asn Leu Met Pro Lys Lys Ile
           35   40   45

Glu Thr Glu Asn Gln Phe Leu Arg Leu Leu Ser Asn Ser Pro Leu Gln
        50   55   60

Val Asp Ile Gln Leu Leu Arg Ile Asp Ser Arg Glu Ser Arg Asn Thr
65   70   75   80

Pro Ala Glu His Leu Asn Asn Phe Tyr Cys Asn Phe Glu Asp Ile Gln
                85   90   95

Asp Gln Asn Phe Asp Gly Leu Ile Val Thr Gly Ala Pro Leu Gly Leu
              100   105   110

Val Glu Phe Asn Asp Val Ala Tyr Trp Pro Gln Ile Lys Gln Val Leu
           115   120   125

Glu Trp Ser Lys Asp His Val Thr Ser Thr Leu Phe Val Cys Trp Ala
        130   135   140

Val Gln Ala Ala Leu Asn Ile Leu Tyr Gly Ile Pro Lys Gln Thr Arg
145   150   155   160

Thr Glu Lys Leu Ser Gly Val Tyr Glu His His Ile Leu His Pro His
              165   170   175

Ala Leu Leu Thr Arg Gly Phe Asp Asp Ser Phe Leu Ala Pro His Ser
              180   185   190

Arg Tyr Ala Asp Phe Pro Ala Ala Leu Ile Arg Asp Tyr Thr Asp Leu
           195   200   205

Glu Ile Leu Ala Glu Thr Glu Glu Gly Asp Ala Tyr Leu Phe Ala Ser
        210   215   220

Lys Asp Lys Arg Ile Ala Phe Val Thr Gly His Pro Glu Tyr Asp Ala
225   230   235   240

Gln Thr Leu Ala Gln Glu Phe Phe Arg Asp Val Glu Ala Gly Leu Asp
              245   250   255

Pro Asp Val Pro Tyr Asn Tyr Phe Pro His Asn Asp Pro Gln Asn Thr
            260   265   270

Pro Arg Ala Ser Trp Arg Ser His Gly Asn Leu Leu Phe Thr Asn Trp
        275   280   285

Leu Asn Tyr Tyr Val Tyr Gln Ile Thr Pro Tyr Asp Leu Arg His Met
    290   295   300

Asn Pro Thr Leu Asp
305

<210> 3
<211> 30
<212> DNA
<213> Artificial Sequence

<220>
<223> Description of Artificial Sequence:
    Oligonucleotide   metAfw

<400> 3
gatcccatgg ctccttttag tcattcttat   30

<210> 4
<211> 36
<212> DNA
<213> Artificial Sequence

<220>
<223> Description of Artificial Sequence: Oligonucleotide
    metArev

<400> 4
gatcgagctc agtactatta atccagcgtt ggattc   36

<210> 5
<211> 33
<212> DNA
<213> Artificial Sequence

<220>
<223> Description of Artificial Sequence: Oligonucleotide

    GAPDHfw

<400> 5
gtcgacgcgt gaggcgagtc agtcgcgtaa tgc   33

<210> 6
<211> 42   n=1:1:1:1 mixture of A,T,C and G.

<212> DNA